

STATUS OF THE CLAIMS

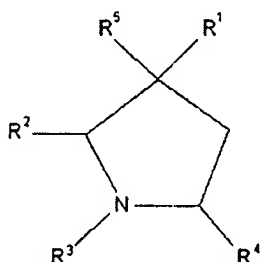
The Appellants' Claims 1-22, 27, 31 and 32 were cancelled without prejudice and without disclaimer of the subject matter thereof. Claims 23-26, 28-30, 33 and 34 are rejected and are on appeal. Claim 23 is an independent claim.

STATUS OF THE AMENDMENTS

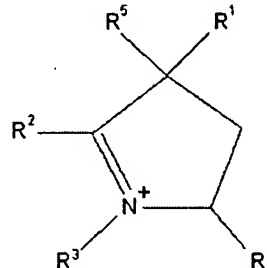
The following Response is of record: A Response filed January 25, 2008 in response to the non-final Official Action dated July 26, 2007; and a Notice of Appeal filed August 5, 2008 in response to the final Official Action dated June 25, 2008. A copy of the claims as they now stand is provided in the Claims Appendix. No amendment has been filed subsequent to the final Official Action.

SUMMARY OF CLAIMED SUBJECT MATTER

The claimed subject matter in independent Claim 23 relates to a pharmaceutical composition comprising a pharmaceutically acceptable agent; and a compound selected from one of Formula I and Formula II, and pharmaceutically acceptable salts thereof:



Formula I



Formula II

where Formulas I and II include all possible geometric, racemic, diastereomeric, and enantiomeric forms and where R¹ is selected from H, (C₁-C₆)alkyl, (C₃-C₆)cycloalkyl-(C₁-C₆)alkyl, (C₃-C₆)cycloalkyl-(C₁-C₆)alkenyl, aryl and azaaromatic; R² is selected from hydrogen, (C₁-C₆)alkyl, (C₂-C₆)alkene, and (C₂-C₆)alkynyl, and in Formula I, R² may additionally be selected from O= or HN=; R³ is selected from hydrogen, (C₁-C₆)alkyl, (C₃-C₆)cycloalkyl, (C₂-C₆)alkenyl, aryl, and aryl(C₁-C₆)alkyl; and R⁴ is (C₁-C₆)alkyl, and (C₃-C₆)cycloalkyl; and R⁵ is aryl or azaaromatic and may form a bond to R¹ to result in a conjugated ring system; in an amount sufficient to induce analgesia and/or deter abuse of abusive substances. See the Specification at page 12, at lines 13-29; at page 13, at